

**BOARD DOCUMENT 11-04**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE  
BOARD MEETING  
THURSDAY AUGUST 4, 2011  
INDIANA GOVERNMENT CENTER SOUTH  
402 W WASHINGTON STREET, ROOM W064  
INDIANAPOLIS, IN 46204**

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

Theodore Mau, Chairman  
Paul St. Pierre, Vice Chairman  
Matthew Drury  
Samuel Frain  
James Todd  
John Gerlach  
Roland Cutter

**BOARD MEMBERS ABSENT:**

David McComb  
Anne M. Patterson  
Erin Kellam, State Board of Health

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Rae Harmon, Assistance Board Director  
Kevin McDowell, Deputy Attorney General  
Gabrielle Owens, Deputy Attorney General

**MINUTES TRANSCRIBED AND  
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 11-41  
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by T. Mau, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

Erin explained about a new statute that would hold the physician responsible through disciplinary action if they fail to properly fulfill their requirement regarding a death certificate. The medical board will deal with them.  
Enrolled Act 366

**MINUTE NO. 11-42  
ADOPTION OF THE AUGUST 4, 2011 AGENDA**

S. Frain moved to adopt the June 2, 2011 agenda. R. Cutter seconded the motion. Motion carried.

**MINUTE NO. 11-43  
ADOPTION OF THE MINUTES OF JUNE 2, 2011 MEETING OF THE BOARD**

J. Gerlach moved to adopt the minutes of the June 2, 2011 meeting of the board. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 11-44**

**CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE MATTER OF EUGENE WAGNER, FD29600119, SBFCS 10-05**

J. Todd moved to reject the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Eugene Wagner, FD29600119, SBFCS 10-05 due to information that has come to the attention of the board. S. Frain seconded the motion. Motion carried.

**MINUTE NO. 11-45**

**ADMINISTRATIVE HEARING IN THE MATTER OF EUGENE WAGNER, FD29600119, SBFCS 10-05**

J. Todd moved that the state prove its case, assess \$1000 fine, costs of proceedings, Attorney General's costs, letter of reprimand, and forward the decision to the Michigan Funeral board in the matter of Eugene Wagner, FD29600119, SBFCS 10-05. R. Cutter seconded the motion. S. Frain and P. St. Pierre opposed the motion. Voting in favor: J. Todd, A. Patterson, and R. Cutter. Motion failed

S. Frain moved to suspend the license with no right to petition for reinstatement for a period of one year, impose a fine of \$1000, and impose the costs of the proceedings and the Attorney General's cost. P. St. Pierre seconded the motion. Voting in favor: P. St. Pierre, J. Todd, and S. Frain. Opposing: A. Patterson and R. Cutter. Motion failed.

S. Frain moved to suspend the license with no right to petition for reinstatement for a period of one year, impose a fine of \$1000, and impose the costs of the proceedings and the Attorney General's cost. P. St. Pierre seconded the motion. Voting in favor: P. St. Pierre, J. Todd, and S. Frain. Opposing: A. Patterson and R. Cutter. Motion failed.

P. St. Pierre moved to suspend the license for 90 days, following by indefinite probation with no right to petition for reinstatement for a period of nine months, require four hours of continuing education in Indiana funeral law, and impose costs of the proceedings. R. Cutter seconded the motion. It is noted that P. St. Pierre made this motion as a compromise. S. Frain opposed the motion. Motion carried.

**MINUTE NO. 11-46**

**ADMINISTRATIVE HEARING IN THE MATTER OF SHADES OF GREEN CREMATIONS, LLC, SBFCS 11-13**

S. Frain moved to grant the motion and order a cease and desist in the matter of Shades of Green Cremations, LLC, SBFCS 11-13

**MINUTE NO. 11-47**

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR RESTORATION OF FUNERAL DIRECTOR LICENSE**

A. Patterson moved to deny the renewal in the matter of Scott T. Howell, FD 303, Expired December 31, 1980 due to failure to appear. S. Frain seconded the motion. Motion carried.

**MINUTE NO. 11-48**

**CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE**

M. Drury moved to accept the application pending an additional month without further embalming and accept all of the embalming on the Jessen 4<sup>th</sup> report in the matter of Kyle Andrew Ammerman, FI21000048. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 11-49**

**CONSIDERATION OF CORRESPONDENCE REGARDING SETTLER'S LIFE INSURANCE COMPANY**

S. Frain expressed that he finds it very offensive that a complaint investigated by the Dept. of Insurance that was forwarded to the Consumer Protection Division for investigation because the matter did not violate the insurance regulations however they believed it may violate funeral regulations was directed by

the Attorney General to contact their own attorney to handle the matter. Gabrielle Owens reported that she cannot talk about a specific case but indicated that there are many cases that the Attorney General's Office has no jurisdiction over because it is a civil matter. Ms. Owens also explained how complaints are routed and indicated that if the person filing the complaint does not indicate the complaint is against a funeral director, her division does not see the complaint.

The matter has been filed with the consumer protection division of the Attorney General's Office and the board has to wait for their action.

**MINUTE NO. 11-50**

**MEMORANDUM FROM LARRY HARVEY REGARDING POSSIBLE REASSIGNMENT OF PRENEED CONTRACTS FROM EUGENE WAGNER, FD29600119 AND JERRY MCMULLAN, FD01013662, EXPIRED.**

P. St. Pierre will come into the office to review the files and then assign them to funeral homes in the area.

**MINUTE NO. 11-51**

**VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

**A. Midwest Funeral Home & Cremation Society for James E. McQueen, Sr.**

Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to approve the original contract amount plus interest not to exceed the cost of the current contract. T. Mau seconded the motion. Motion carried.

**B. Midwest Funeral Home & Cremation Society for Margaret E. Osborn**

Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to approve the original contract amount plus interest not to exceed the cost of the current contract. P. St. Pierre seconded the motion. Motion carried.

**C. Midwest Funeral Home & Cremation Society for George I. Martin**

Re: Northeast Indiana Cremation Society, CR30000006

P. St. Pierre moved to approve the original contract amount plus interest not to exceed the cost of the current contract. J. Gerlach seconded the motion. Motion carried.

**D. Midwest Funeral Home & Cremation Society for Marc D. Pape re: Phyllis I. Pape**

Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to deny the request. R. Cutter seconded the motion. Motion carried.

**E. Midwest Funeral Home & Cremation Society for Mary Catherine Eakin**

Re: Northeast Indiana Cremation Society, CR30000006

T. Mau moved to approve the original contract amount plus interest not to exceed the cost of the current contract. J. Gerlach seconded the motion. Motion carried.

**G. Patricia A. Loraine, for Bonnie J. Parrish**

Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to approve the original contract amount plus interest not to exceed the cost of the current contract. R. Cutter seconded the motion. Motion carried.

**MINUTE NO. 11-52**

**REPORT FROM CURTIS ROSTAD, IFDA, REGARDING HIS MEETING WITH THE KENTUCKY FUNERAL BOARD REGARDING RECIPROCITY**

Report from Curtis Rostad, Indiana Funeral Directors Association. This matter would not include reciprocity language. The whole idea is for the funeral director to serve the public and the state boundaries should not affect

funeral directors serving families. No laws would need to be changed, rather the people crossing into the other state would have to have a courtesy card. The funeral director would have to follow their domicile license requirements rather than following the laws and rules in the state they are crossing over to. (Example: since Indiana requires funeral directors to do a graveside service, if that funeral director were using a courtesy card to service a funeral in Kentucky, the Indiana laws must be followed and the funeral director would have to do the graveside service.) There will be another meeting scheduled in October or November with the Kentucky board to discuss the matter further.

**MINUTE NO. 11-53  
CORRESPONDENCE**

- A. Legacy at Memorial Park, FB40600010, CA20600048 is changing their name to Flanner and Buchanan-Memorial Park
- B. Eric Michael David Bell, FD20300011 has an ownership role and will be working at Bussell Family Funerals, FH11000007.
- C. Oliver Reitz, FI21100012, is now employed at Ziemer Funeral Home, FH83001847
- D. Daniel Taylor, FD29600068, is no longer employed by Flanner and Buchanan Funeral Centers.
- E. Chad Douglass, FD29300092, is now employed at Raven-Choate Funeral Home, FH10100032
- F. Casey J. Lloyd, FD29400051 is now employed at Lauck & Veldhof Funeral & Cremation Services, FH11000010.

**MINUTE NO. 11-54  
RULES DISCUSSION**

The board will consider the rule draft for possible approval to issue a notice of intent at the next meeting.

**MINUTE NO. 11-55  
REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

M. Drury moved to approve the Continuing Education as follows. S. Frain seconded the motion. Motion carried.

**APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION**

**Funeral Directors Life Insurance Company, 6550 Directors Parkway, Abilene, TX 79606**

- Ethics in Today's Business World, TBA, 3 ceu
- Generational Preneed: Serving Multiple Generations, TBA, 3 ceu
- Senior Insurance Market, TBA, 3 ceu

**NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS**

**Aurora Casket Company**

- Four Generations in the Funeral Home, 1 ceu

**E.C. Nurre Funeral Home**

- Holiday Help Program, December 4, 2011, 2 ceu

**FuneralCE**

- Intercultural Burials, 5 ceu

**FuneralDirectorCEUs.com**

- Home Funeral Vigils & Green Burials: A Natural Fit for Funeral Service, September 1, 2011, 6 ceu
- Challenges for the 21<sup>st</sup> Century Funeral Service Professional, September 9, 2011, 3 ceu

**International Cemetery, Cremation & Funeral Association**

- ICCFA Fall Management Conference, September 21-23, 2011, 9 ceu

**International Order of the Golden Rule**

- 2011 Fall Forum: Inspiring the Cremation Customer, September 19-20, 2011, 7 ceu

**Minnick Services**

- Funeral Merchandising in Today's Changing Marketplace, 1 ceu
- Burial Vault 101, 2 ceu
- Personalization of Burial Vaults, 1 ceu
- Graveside as an Event, 2 ceu
- Cremation Process Start to Finish, 2 ceu
- Commemorations, 2 ceu
- Pet Loss Care and Funeral Home, 2 ceu
- Casket Options & Merchandising, 1 ceu
- Building a Custom Legacy for your Families, 1 ceu

**Selected Independent Funeral Homes**

- SIFH 2011 Annual Meeting, September 21-24, 2011, 10 ceu

**Thanos Institute**

- Organ, Tissue Donation & The Funeral Director, 10 ceu

**MINUTE NO. 11-56  
APPOINTMENT OF LEGISLATIVE COMMITTEE**

No appointments made.

**MINUTE NO. 11-57  
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 3:10 p.m.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Theodore Mau,  
Chairman

Attest: \_\_\_\_\_  
Tracy Hicks, Board Director